

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 3/7/2023

ANDREA MORIN,
Plaintiff,

-against-

FORDHAM UNIVERSITY; HOWARD
ROBINSON; and MARY ANN FORGEY,

Defendants.

No. 21 Civ. 7909 (NSR)
ORDER OF PARTIAL
DISMISSAL

NELSON S. ROMÁN, United States District Judge:

On November 24, 2021, Defendant Fordham University (“Defendant Fordham”) and Defendant Mary Anne Forgey (“Defendant Forgey”) submitted a joint letter requesting leave to file a separate motion to dismiss from that of Defendant Howard Robinson (“Defendant Robinson”). (ECF No. 41.) By same-day memorandum endorsement, this Court granted this application and directed Defendant Fordham University and Defendant Forgey to serve and file a collective motion to dismiss, whereas Defendant Robinson was to serve and file a separate, individual motion to dismiss. (ECF No. 42.)

The parties filed their respective briefing papers as follows: Plaintiff’s opposition was filed on January 21, 2022 (ECF No. 45); Defendants Fordham University and Forgey their collective motion to dismiss and reply on February 4, 2022 (ECF Nos. 51-54); and Defendant Robinson’s individual motion to dismiss and reply on February 4, 2022 (ECF Nos. 48-50).

The Court granted in part, and denied in part, Defendants’ motion to dismiss (ECF No. 55). Specifically, the Court dismissed the following claims without prejudice: (1) Title IX sexual harassment against Defendant Fordham University; (2) Title VII hostile environment against

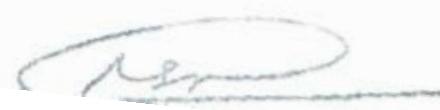
Defendant Fordham University; (3) IIED against Defendant Robinson; (4) Section 1983 against Defendant Robinson; (5) IIED against Defendant Forgey; and (6) Section 1983 against Defendant Forgey. (ECF No. 55.) The Court also ordered that Plaintiff had until October 28, 2022 to file an amended complaint and noted that in the event Plaintiff failed to timely file an amended complaint, the original complaint would remain the operative complaint and those claims dismissed without prejudice would be deemed dismissed with prejudice. (*Id.*)

On October 28, 2022, the Court granted Plaintiff's request to file an amended complaint by December 2, 2022. (ECF No. 57.) Plaintiff, however, failed to file an amended complaint by December 2, 2022. Thus, it is HEREBY ORDERED Plaintiff's claims that the following claims that the Court formerly dismissed without prejudice are deemed dismissed with prejudice: (1) Title IX sexual harassment against Defendant Fordham University; (2) Title VII hostile environment against Defendant Fordham University; (3) IIED against Defendant Robinson; (4) Section 1983 against Defendant Robinson; (5) IIED against Defendant Forgey; and (6) Section 1983 against Defendant Forgey.

Finally, the Clerk of the Court is kindly directed to terminate the individual Defendants Howard Robinson and Mary Ann Forgey from this action, as there are no longer any claims pending against them.¹

SO ORDERED.

Dated: March 7, 2023
White Plains, New York



Nelson S. Román, U.S.D.J.

¹ The Court further notes that although Defendant Forgey filed a joint Verified Answer with Defendant Fordham (ECF No. 58) to Plaintiff's Complaint (ECF No. 8), Defendant Forgey herself recognizes in this Answer that, in light of the Court's Opinion regarding Defendants' motions to dismiss (ECF No. 55), "there are now no pending claims against [her]." (See ECF No. 58, FN 1). Thus, the Court has directed that she be terminated from this action.